

Baker & Hostetler LLP

45 Rockefeller Plaza

New York, NY 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

David J. Sheehan

Marc E. Hirschfield

Jonathan B. New

Robertson D. Beckerlegge

Christopher B. Gallagher

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

JOEL R. LEVEY,

Defendant.

Adv. Pro. No. 10-04282 (SMB)

STIPULATION EXTENDING FACT DISCOVERY

WHEREAS, on November 12, 2010, the plaintiff, Irving H. Picard (the “Trustee”), trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff, filed a complaint (the “Complaint”) in this adversary proceeding, naming Joel R. Levey defendants (the “Levey Adversary Proceeding”).

WHEREAS, the Complaint is comprised of avoidance claims to recover actual fraudulent transfers prior to December 11, 2008 (the “Filing Date”),¹ the date upon which adversary proceeding number 10-04282 was commenced.

WHEREAS, the deadline for completion of fact discovery in the Levey Adversary Proceeding is currently scheduled for July 14, 2014.

WHEREAS, the parties have agreed to extend the deadline for the completion of fact discovery to the later of August 4, 2014.

IT IS HEREBY STIPULATED AND AGREED, by the undersigned counsel, that:

1. The completion of fact discovery in the Levey Adversary Proceeding shall be extended through August 4, 2014.

¹ Section 78III(7)(B) of SIPA states that the filing date is “the date on which an application for a protective decree is filed under 78eee(a)(3),” except where the debtor is the subject of a proceeding pending before a United States court “in which a receiver, trustee, or liquidator for such debtor has been appointed and such proceeding was commenced before the date on which such application was filed, the term ‘filing date’ means the date on which such proceeding was commenced.” 15 U.S.C. § 78III(7)(B). Thus, even though the application for a protective decree was filed on December 15, 2008, the Filing Date in this action is December 11, 2008.

2. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

Dated: July 14, 2014
New York, New York

BAKER & HOSTETLER LLP

s/ Marc E. Hirschfield

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Marc E. Hirschfield
Email: mhirschfield@bakerlaw.com
Jonathan B. New
Email: jnew@bakerlaw.com
Robertson D. Beckerlegge
Email: rbeckerlegge@bakerlaw.com
Christopher B. Gallagher
Email: cgallagher@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and Bernard L.
Madoff*

WACHTEL, MASYR & MISSRY, LLP

s/ Howard Kleinhendler

1 Dag Hammarskjold Plaza
885 Second Avenue
New York, New York 10017
Telephone: 212.909.9522
Facsimile: 212.909.9417
Howard Kleinhendler
Email: hkleinhendler@wmllp.com
Sara Spiegelman
Email: sspiegelman@wmllp.com

Attorneys for Defendant, Joel R. Levey